

**UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF PENNSYLVANIA**

MERCHANTS DISTRIBUTORS, LLC and
CAPITAL RESOURCES, LLC,

Plaintiffs,

v.

HAROLD FRIEDMAN INC., d/b/a
FRIEDMAN'S FRESHMARKETS,

Defendant.

Civil Action No. 2:18-cv-00133-AJS

PLAINTIFFS' MOTION TO DISMISS DEFENDANT'S COUNTERCLAIMS

Plaintiffs Merchants Distributors, LLC ("MDI") and Capital Resources, LLC ("Capital Resources") (collectively, "Plaintiffs"), by and through their undersigned counsel, files the within Motion to Dismiss Defendant Harold Friedman Inc. d/b/a Friedman's Freshmarkets' ("HFI") Counterclaims pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure as set forth in the contemporaneously filed Memorandum in Support of Motion to Dismiss, which Plaintiffs incorporate by reference herein.

Dated: March 13, 2018

Respectfully Submitted,

/s/ Jarrod D. Shaw

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Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on March 13, 2018, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send electronic notification of such filing to all registered parties.

/s/ Jarrod D. Shaw

Jarrod D. Shaw